

LOCAL LAW NUMBER 2 OF 1988

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1.0	Title and Purpose.....	1
1-1	Title.....	1
1-2	Purpose.....	1
2.0	Definitions; Construction and Scope.....	1
2-1	Definitions.....	1
2-2	Construction and Scope.....	4
3.0	Administration.....	5
3-1	Jurisdiction.....	5
3-2	Investigation and Order.....	6
3-3	Notice.....	6
3-4	Service of Notice.....	7
3-5	Acceptance or Rejection of Notice.....	7
3-6	Compliance with Notice and Order; Time Limit.....	8
3-7	Hearing.....	8
4.0	Enforcement.....	9
4-1	Disregard of Notice; Notice of Survey.....	9
4-2	Making of Survey; Determination.....	10
4-3	Compensation and Reimbursement for Survey.....	10
4-4	Legal Action.....	11
4-5	Execution of Court Order.....	11
4-6	Interference with Work.....	11
5.0	Emergency Enforcement.....	12
5-1	Emergency Work.....	12
5-2	Vacating Buildings and Closing Street.....	12
5-3	Laborers and Materials.....	12
5-4	Recovery of Costs for Emergency Work.....	12
6.0	Penalties; Reimbursement of Costs and Expenses.....	13
6-1	Penalties for Offenses.....	13
6-2	Reimbursements for Cost of Work; Assessment.....	13

Table of Contents cont'd

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
6-3	Village Attorney Not Precluded From Acting.....	14
7.0	Validity of Law.....	14
8.0	Effective Date.....	14

LOCAL LAW NUMBER 2 OF 1988

SECTION 1.0

TITLE AND PURPOSE

1.1 TITLE.

This Local Law shall be known as the "Unsafe Buildings and Structures Law" of the Village of Cambridge.

1.2 PURPOSE.

This Local Law is adopted for the purpose of promoting and protecting the health, safety and general welfare of the people of the Village of Cambridge, including the protection and preservation of property of the Village and its inhabitants in all matters relating thereto, by establishing minimum standards for the maintenance of premises; fixing responsibilities and duties; authorizing and establishing procedures for the inspection of such premises; fixing penalties for the violation of this Local Law; and providing for the right of access by the Village or its agents to permit repairs or demolition when the Village believes that the health, safety and welfare may be in jeopardy. The Local Law is hereby declared to be remedial and essential to the public interest and it is intended that this Law be liberally construed to effectuate the purpose as stated herein and to protect the appearance and value of the Village as a whole.

SECTION 2.0

DEFINITIONS; CONSTRUCTION AND SCOPE

2.1 DEFINITIONS.

Unless otherwise expressly stated, the following definitions shall apply in the interpretation and enforcement of this Local Law:

2-1.1 CODE ENFORCEMENT OFFICER: The official, duly appointed by the Village Board, who is empowered to enforce this Local Law.

2-1.2 NUISANCE: Whatever is dangerous to human life or detrimental to health, and shall include but not be limited to:

- (1) A public nuisance;
- (2) A building, structure or part thereof which has an existing electrical wiring system which is defective or which fails to meet ventilation requirements as prescribed by applicable provisions of law or which has plumbing, sewage and drainage facilities that are not in conformity with applicable building and plumbing codes or which is overcrowded.

2-1.3 OWNER: Any person who alone, jointly or severally with others holds legal or equitable title to any dwelling, building, structure or premises.

2-1.4 PERSON: An individual, firm, partnership, corporation, association, trustee or fiduciary.

2-1.5 PERSONS INTERESTED: The Owner, as herein defined, and all other persons interested in the premises (e.g., tenants, borders, roomers, agents, servants, contractors, employees, etc.).

2-1.6 POSTING: The fastening, mailing, tacking or substantially securing by any other means of any notice, survey, order, directive or official decision on a building or structure.

2-1.7 PREMISES: A plotted lot or part thereof or unplotted lot or parcel of land, either occupied or unoccupied by any dwelling or non dwelling structure, including the dwelling or structure thereon.

2-1.8 REPAIR: Includes any alteration, structural change, or the performance of any act necessary or requisite for the elimination of any hazardous, dangerous or unsafe condition of any unsafe building or structure within the purview of this Local Law.

2-1.9 SURVEY: A written determination in a report, after an on-site inspection by a designated inspector of the Village of Cambridge, in conjunction with a registered architect or licensed professional engineer chosen or appointed by the Village Board, and a practical builder, engineer or architect appointed by the owner of the subject premises, to be made after refusal or neglect of the owner who has been served with a notice to make safe, repair or demolish and remove the unsafe building or structure.

2-1.10 UNSAFE BUILDING: Any building or structure or well excavation which has any of the following conditions:

- (1) Those where any interior wall or walls, or other structural load-bearing members, list, lean, or buckle to such an extent that a plumb line passing from any overhead supporting member through the center of gravity falls outside the middle third of its base.
- (2) Those which, exclusive of the foundations, show thirty-three and one-third percent ($33\frac{1}{3}\%$) or more of deterioration of the supporting member or members, or fifty percent (50%) or more damage to or deterioration of the nonsupporting enclosing or exterior walls or covering.
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the floors or roofs are overloaded or which have insufficient strength to be reasonably safe for the purpose used and which do not meet minimum standards prescribed by the New

York State Uniform Fire Prevention and Building Code.

- (4) Those having inadequate or insufficient facilities for ingress or egress in the event of fire, panic or other emergency or those having insufficient stairways, elevators, fire escapes, aisles, passageways, corridors or other means of access, and which do not meet minimum standards prescribed by the New York State Uniform Fire Prevention and Building Code.
- (5) Those which have parts thereof which are so attached or connected in such a manner that they may fall, collapse or cause damage and injury to the occupants thereof or other persons or property.
- (6) In addition to the foregoing, those which, in whole or in part, used for residential, mercantile, industrial, storage, assembly, institutional or any other purpose, for want of repair, lack of sufficient fire escapes or exits or by reason of age, infestation of rodents, or insects, or vermin or dilapidated condition, or from any other cause, may now be or shall at any time hereafter become dangerous or unsafe structurally or a fire hazard or a nuisance to the general public.
- (7) A vacant building, or an unguarded building or one which is open at a door or window.
- (8) An abandoned or unprotected well, open basement or excavation or hole which was a basement or is intended to be a basement, which is unprotected, dangerous or a nuisance.

2-1.11 VILLAGE: The Village of Cambridge.

2-2 CONSTRUCTION AND SCOPE.

In the interpretation and application of this Local Law, its provisions shall be construed as follows:

2-2.1 SINGULAR/PLURAL: Any term in the singular shall include the plural, and vice versa.

2-2.2 MASCULINE/FEMININE: Any term in the masculine shall include the feminine and neuter.

2-2.3 AIDING OR ABETTING: Any requirement or prohibition of this Law shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act.

2-2.4 MEANING OF CERTAIN WORDS: Whenever the words "building", "structure", "dwelling", and "premises" are used in this Local Law they shall be construed as though they were followed by the words "or any part thereof".

2-2.5 STANDARDS FOR DETERMINATION: The fact that a building or structure exists in violation of the applicable provisions of the New York State Uniform Fire Prevention and Building Code or of an earlier village building code or the New York State Standard Building Code for Places of Public Assembly or the statewide Multiple Residence Law, as the case may be, or of any local law of the Village of Cambridge, when found as other violations in addition to conditions deemed to be in violation of this Local Law, may be considered in determining whether a building, structure or premises is hazardous, dangerous or unsafe.

2-2.6 TERRITORIAL SCOPE: This Local Law shall apply to all premises situated within the corporate limits of the Village of Cambridge.

SECTION 3.0

ADMINISTRATION

3-1 JURISDICTION.

Under this chapter, the Code Enforcement Officer shall

have jurisdiction for the purpose of demolishing, taking down or removing any hazardous, dangerous or unsafe building or structure or, alternately, for taking remedial action toward making any of said building or structure safe and secure.

3-2 INVESTIGATION AND ORDER.

When, in the opinion of the official appointed by the Village to enforce the provisions of this Local Law, any building, structure or premises located within the Village of Cambridge shall be deemed to be unsafe or dangerous to the public, he shall cause an investigation to be made thereof and shall file a written report of said investigation with the Village Clerk and the Board of Trustees, containing his findings and his recommendation in regard to its removal or repair.

The Board of Trustees shall thereafter consider the report and, by resolution, determine if in its opinion the report so warrants that the said structure or building is unsafe and dangerous and order its removal or repair if the same can be safely repaired, and further order that a notice shall be given to the following person(s) and in the manner herein as provided.

3-3 NOTICE.

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building, structure or premises is unsafe or dangerous.
- C. An order requiring the same to be made safe and secure or removed.
- D. The repair or removal of the said building, structure or premises shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter.

E. In the event of the neglect or refusal of the person(s) served with the notice to comply with the same, a survey of the premises will be made by an inspector and an architect or practical builder and/or engineer, to be named by the Village Board, and a practical builder, engineer or architect appointed by the said person(s) so notified.

F. In the event of the refusal or neglect of the person(s) so notified to appoint a practical builder, engineer or architect, the two (2) appointees of the Village Board shall make the survey and report.

G. In the event the building, structure or premises, shall be reported unsafe or dangerous under such survey, an application will be made at a special term of the Supreme Court in the Judicial District in which the property is located, for an order determining the building, structure or premises to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

3-4 SERVICE OF NOTICE.

The said notice shall be served in the following manner:

A. By personal service of a copy thereof, upon the owner or some one (1) of the owners, executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises as shown by the last preceding and completed assessment roll of the said Village or, if no such person can be reasonably found, by mailing such owner, by certified mail, return receipt requested, a copy of such notice directed to his last known address.

B. By personal service of a copy of such notice upon any adult person residing in or occupying said premises; or, if no such person can be reasonably found, by securely affixing a copy of such notice upon the building or structure.

3-5 ACCEPTANCE OR REJECTION OF NOTICE.

Within ten (10) days of the receipt of the notice set

forth above, the person who receives the notice may certify his written acceptance or rejection of the particulars and order contained in the notice by either personal service or by registered mail upon the Code Enforcement Officer or a person designated by him to accept service in his behalf. Any failure on the part of the person receiving the notice to respond, as herein prescribed, shall constitute a rejection of the notice.

3-6 COMPLIANCE WITH NOTICE AND ORDER; TIME LIMIT.

If the person served with the notice shall immediately certify his assent to the securing or demolition and removal of the unsafe building, structure or premises in question, he shall be permitted seventy-two (72) hours within which to commence the abatement of the dangerous conditions affecting the building, structure or premises and shall employ sufficient labor and assistance to secure or demolish and remove such building or structure within a reasonable period of time thereafter. The person served shall notify the Code Enforcement Officer of his compliance with the aforesaid order who, in turn, shall notify the Board of Trustees. The Board shall thereafter issue a certificate of compliance.

3-7 HEARING.

Any person affected by the notice described in Section 3-3 of this chapter may request and shall be granted a hearing on the matter before the Board of Trustees, or a hearing officer designated by it, provided that such person shall file a verified petition with the Code Enforcement Officer and the Village Clerk within ten (10) days after the date the notice was served upon the petitioner requesting the hearing, and setting forth a brief statement of the grounds therefor. Upon receipt of said petition, the Board of Trustees, or its duly designated hearing officer, shall set a time and place for a hearing and shall give the petitioner ten (10) days' written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and to give reasons why the proceedings for the securing or

removal of the unsafe building, structure or premises should be modified or withdrawn. The hearing shall be commenced not later than twenty (20) days after the day on which the petition was filed, provided that upon application of any interested party, the Board of Trustees may postpone the date of the hearing for any reasonable time beyond the twenty-day period if, in its judgment, the interested party has submitted a good and sufficient reason for the postponement, but in no event shall the hearing be postponed longer than sixty (60) days. In any case, if no such written petition shall be so filed within the ten-day period as aforesaid, or if the notice shall be rejected, the Village Attorney is authorized to make application to the Supreme Court, at Special Term, as hereinafter provided.

SECTION 4.0

ENFORCEMENT

4-1 DISREGARD OF NOTICE; NOTICE OF SURVEY.

A. Upon refusal, neglect or failure of the person or persons served with a notice and order to comply with the requirements and specifications therein, or upon his or their rejection of such notice, a notice of survey shall be served upon him by the Code Enforcement Officer, either in person or by certified mail return receipt requested, giving notice that a survey of the premises described in the notice will be made at a time and place therein specified.

B. The notice of survey shall state the date, time and place where the survey will be made and that, in the event that the report of such survey indicates that such building or structure or premises is unsafe, an application will be made at a special Term of the Supreme Court, Washington County, for an order determining the building, structure or premises to be a public nuisance and directing that it shall be repaired and secured or demolished, taken down and removed and for the assessing of the expenses and costs thereof.

4-2 MAKING OF SURVEY; DETERMINATION.

A. The survey shall be made by three (3) competent persons, of whom one (1) shall be the Code Enforcement Officer or a Building Inspector designated by him, another shall be a registered architect or a licensed professional engineer appointed by the Village Board and the third shall be a practical builder, registered architect or a licensed professional engineer appointed by the person served with the notice.

B. Within ten (10) days after the survey is completed, the determination thereof shall be made by such persons in writing and filed in the office of the Village Clerk, and a copy thereof shall be posted on the subject building or structure.

C. All notices posted pursuant to any provision of this chapter are to remain on the building or structure until it is repaired, demolished or removed, or made to comply with the directions which have been given the owner.

D. In the event that the person or persons served with the notice of survey, as described in Section 3-3 hereof, shall fail, neglect or refuse to appoint a competent person to assist in the survey, the other two (2) persons designated pursuant to the provisions of this section shall make the survey, and should they disagree, they shall appoint a third person, whose decision shall be final, to take part in the survey, who shall be a practical builder, licensed professional engineer or registered architect, either one having at least ten (10) years' practice in his respective profession.

4-3 COMPENSATION AND REIMBURSEMENT FOR SURVEY.

The architect or engineer appointed by the Village Board as hereinbefore provided, who may act on any survey required by this Local Law, or the third surveyor who may be called in the event of a disagreement, as provided in Section 4-2 hereof, shall be entitled to a fee to be determined and fixed by the Village Board, which is to be paid upon the voucher of the Code

Enforcement Officer. A cause of action is hereby created for the benefit of the Village against the owner of the unsafe building, structure or premises surveyed, and of the lot or parcel of land on which the dangerous building or structure is located, for the amount disbursed by the village for such survey with interest.

4-4 LEGAL ACTION.

In the event the building, structure or premises shall be reported unsafe or dangerous under such survey, the Village Board may pass a resolution directing the Village Attorney of the Village of Cambridge to make an application at a Special Term of the Supreme Court of the State of New York in the Judicial District in which the property is located for an order determining the building, structure or premises to be a public nuisance and directing that it shall be repaired and secured or taken down and removed and further directing the reimbursement of the expenses of the proceeding and repair or demolition of the building or structure.

4-5 EXECUTION OF COURT ORDER.

Upon receipt of the order of the Supreme Court, the Code Enforcement Officer shall immediately proceed to execute the provisions therein contained and may employ and furnish whatever labor, assistance and materials may be necessary for that purpose.

4-6 INTERFERENCE WITH WORK.

It shall be unlawful for any person, whether interested or not in the property affected by this Law, to interfere, obstruct or hinder the Code Enforcement Officer or his representative, or any person acting in his behalf, in performing the work directed by the determination of the Supreme Court as herein provided, or ordered by the Code Enforcement Officer under the terms and provisions of such determination as hereinabove described.

SECTION 5.0

EMERGENCY ENFORCEMENT

5-1 EMERGENCY WORK.

Any provisions of this Local Law to the contrary notwithstanding, where it reasonably appears that there is imminent danger to the life or safety of any person, unless an "unsafe building", structure or premises as defined herein, is immediately repaired, vacated or demolished, the Code Enforcement Officer, on order of the Village Board, shall cause the immediate repair, vacating or demolition of such unsafe building, structure or premises whether the procedure in this Law has been instituted or not.

5-2 VACATING BUILDINGS AND CLOSING STREET.

When a building or structure is in such unsafe condition that life is endangered thereby, the Code Enforcement Officer may order and require the inhabitants and occupants to vacate the same forthwith. He may, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used.

5-3 LABORERS AND MATERIALS.

For the purposes of this local law, the Code Enforcement Officer may employ such laborers and materials as may be necessary.

5-4 RECOVERY OF COSTS FOR EMERGENCY WORK.

The cost of any emergency repair, vacating or demolition of an unsafe building, structure or premises under Section 5-1 hereof, shall be collected in the same manner as provided in Section 6-2 of this Local Law.

SECTION 6.0

PENALTIES; REIMBURSEMENT OF COSTS AND EXPENSES.

6-1 PENALTIES FOR OFFENSES.

A. Every owner, tenant or other person who maintains or uses any building, structure or premises in, upon or by which any provision of this local law is violated, shall for each and every violation be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00), and in addition thereto, every person violating any of the provisions of this local law shall be and hereby is declared to be a disorderly person, and such violation is hereby declared to be disorderly conduct, and may be proceeded against and punished as a disorderly person. Whenever such person or persons shall have been notified by due and proper notice that he is committing such violation, after such notification such continued violation shall constitute a separate offense punishable by a like fine or penalty.

B. Any person removing the notice provided for in Section 3-3 hereof, or any other notice prescribed by this Law, shall, upon conviction thereof, be subject to a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment for not more than fifteen (15) days, or both, for each offense.

6-2 REIMBURSEMENT FOR COST OF WORK; ASSESSMENT.

The Village shall be reimbursed for all costs and expenses incurred by it in connection with any proceedings or action instituted or taken hereunder, including reasonable attorney's fees, costs of inspectors, architects, practical builders, engineers and/or surveyors, and the cost of actually repairing and securing, or removing and demolishing any unsafe building, structure or premises, either:

(1) By direct action in a court of appropriate jurisdiction against the owner for recovery of said costs and expenses; or

(2) By assessment against and collection from the lots or parcels of land where such work was performed or services rendered for so much of the actual and complete costs as incurred, upon and from each lot or lots in the manner provided for the assessment of the cost of public improvements by Article 22 of the Village Law.

6-3 VILLAGE ATTORNEY NOT PRECLUDED FROM ACTING.

The imposition of the penalties herein prescribed shall not preclude the Village Attorney from instituting an appropriate action or proceeding to prevent an unlawful maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of any building, structure or premises.

SECTION 7.0

VALIDITY OF LAW

If any term or provision of this Local Law, or the application thereof to any person or circumstance, shall to any extent be declared by a Court of competent jurisdiction to be invalid or unenforceable, the remainder of this Local Law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Local Law shall be valid and be enforced to the fullest extent permitted by law.

SECTION 8.0

EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law of the State of New York.

BE IT ENACTED, this ____ day of _____, 1988 by the
Board of Trustees of the Village of Cambridge, of Washington
County, New York.

Philip J. Sica, Mayor

Richard C. Feus, Trustee

Daniel W. Foster, Trustee

Robert J. Worboys, Trustee

Randy C. Waite, Trustee

SEAL

ATTEST:

Orville C. Burton
Village Clerk

